

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-199—sSB 235

Transportation Committee

Judiciary Committee

Energy and Technology Committee

**AN ACT CONCERNING REVISIONS TO THE TRANSPORTATION
STATUTES**

SUMMARY: This act makes a number of changes in transportation-related laws. Among other things, it:

1. allows the Connecticut Airport Authority (CAA) executive director to opt out of certain state benefits and allows CAA to establish and pay for its own benefit plans (§ 9);
2. exempts certain CAA employees from the occupational licensing system (§ 10);
3. creates an advisory committee to consult with CAA on Bradley International (§ 11);
4. authorizes fare inspectors to enforce fares on state-owned or -controlled buses (§§ 1 & 2);
5. reduces the penalty for intentionally riding a public bus without paying the fare (§§ 3 & 4);
6. requires the Department of Transportation (DOT) to study (a) chemical road treatments, (b) challenges to access at Rentschler Field, and (c) the for-hire transportation service industry (§§ 6, 18, & 19);
7. requires background checks for certain interstate livery vehicle operators (§ 16);
8. exempts certain state facilities from the Leadership in Energy and Environmental Design (LEED) standards (§ 5); and
9. allows for (a) the construction of at-grade railroad crossings in East Hartford and Waterbury and (b) the use of wayside horns, rather than train horns, at at-grade railroad crossings (§§ 7, 8, & 17).

The act also allows for the construction of brewery, winery, and agricultural signs within 300 feet of a state highway and adds certain service buses for students with special needs to the list of commercial vehicles permitted on the Wilbur Cross and Merritt parkways. Additionally, the act requires that a portion of Saybrook Road in Middletown be classified as an urban minor arterial.

EFFECTIVE DATE: Upon passage, except for the sections regarding fare inspectors and theft of public bus service, which are effective October 1, 2014.

§§ 9-11 — CONNECTICUT AIRPORT AUTHORITY (CAA)

§ 9 — *Executive Director Benefits*

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This act allows CAA to offer to its executive director the choice to opt out of state retirement or group welfare benefits. He or she may be given this option only once and the choice is irrevocable. If the executive director chooses to opt out of either benefit, he or she is ineligible to participate in the corresponding state plan while employed by the authority.

Under the act, CAA may establish its own retirement plans and group welfare benefits for an executive director opting out of the state plan. The State Employees Retirement Commission, comptroller, attorney general, and insurance commissioner cannot approve or oversee CAA plans. The act specifies that CAA is responsible for all costs, fees, contributions, or other expenses of the executive director's benefits.

§ 10 — Occupational Licensing

Under the act, employees of CAA who are covered by a state bargaining agreement are exempt from the law applying to occupational tradesmen (see BACKGROUND).

§ 11 — Advisory Committee

The act also requires the CAA executive director to establish an advisory committee of up to six members that he or she will consult with on matters relating to Bradley International Airport. Two of the committee members are appointed by legislators on the Transportation Committee, one by the co-chairs and one by the ranking members. The act does not specify who appoints the remaining members, but presumably they are appointed by the executive director. The committee must consist of residents of and representatives from businesses in the Bradley Airport development zone, and committee members are permitted to attend CAA's public and monthly managers' meetings.

§§ 1-4 — FARE ENFORCEMENT ON PUBLIC BUSES

§§ 1 & 2 — Fare Inspectors

This act authorizes fare inspectors to issue citations to people who deliberately ride a state-owned or -controlled public bus without paying the required fare. Fare inspectors may be employees of either DOT or a third-party contractor. They are responsible, when all or part of the fare must be paid before boarding the bus, for inspecting tickets, passes, or other documentation proving an individual paid the appropriate fare.

§§ 3 & 4 — Theft of Public Bus Services

Under prior law, intentionally obtaining bus service without payment was larceny and punishable, depending on the value of the service stolen, by fines and imprisonment. For example, theft of a service valued at \$500 or less is larceny in the sixth degree, which is a class C misdemeanor. For state-owned and -controlled buses, this act reduces the offense to an infraction, for which the penalty is a fine payable by mail (see Table on Penalties).

§ 16 — BACKGROUND CHECKS FOR INTERSTATE LIVERY COMPANIES

By state law, any person, limited liability corporation, or corporation authorized by the Federal Highway Administration to operate a motor vehicle for charter and special operation must register with DOT for interstate operation. The act requires such operators to undergo a state and national criminal history records check and provide the results to DOT before registration.

§§ 6, 18, & 19 — STUDIES

§ 6 — *Chemical Road Treatments*

The act requires DOT to study chemical road treatments, including (1) an analysis of the corrosive effects of road treatments on state snow and ice equipment, state infrastructure, and the environment; (2) the cost of corrosion created by road treatments; and (3) an evaluation of alternative techniques and products, such as rust inhibitors, with a comparison of cost and effectiveness. DOT must submit a progress report to the Transportation Committee by October 1, 2014 and a final report by July 1, 2015. The final report must include DOT's findings, conclusions, and recommendations.

§ 18 — *Access and Egress at Rentschler Field*

Under the act, DOT must study, within available appropriations, challenges to enter and exit at Rentschler Field in East Hartford that may result from the state-certified industrial reinvestment project authorized in the Aerospace Reinvestment Act (PA 14-2) (see BACKGROUND). By January 1, 2015, DOT must report its findings and recommended solutions, including the cost of such solutions, to the Transportation Committee.

§ 19 — *Mobile Apps for Taxi and Livery Service*

The act requires DOT to study, within available appropriations, the regulation of for-hire transportation services, including a review of how emerging technologies fit into the regulatory scheme (see BACKGROUND). DOT must report its findings, conclusions, and recommendations to the Transportation Committee by February 1, 2015. DOT's report must include recommendations regarding (1) regulating emerging technologies to ensure public safety and (2) mandatory insurance coverage, licensing, background checks on drivers, and vehicle safety and maintenance.

§ 5 — EXEMPTION OF CERTAIN FACILITIES FROM LEED STANDARDS

Under prior law, any new construction or renovation of a state facility that met certain cost and state funding criteria had to comply with the silver building rating of the LEED rating system. The act exempts salt sheds, parking garages, and other maintenance facilities from LEED requirements, provided they incorporate the best economically feasible energy standards.

§§ 7, 8, & 17 — AT-GRADE RAILROAD CROSSINGS

§§ 7 & 8 — *Construction of At-Grade Railroad Crossings in East Hartford and Waterbury*

By law, the construction of at-grade railroad crossings must be approved by an act of the General Assembly. This act would allow (1) East Hartford to construct an at-grade railroad crossing on the Connecticut Southern Railroad Line between McAuliffe Park and Columbus Circle and (2) Waterbury to construct an at-grade railroad crossing on the Torrington Branch (Naugatuck Railroad Company) between Thomaston Avenue (State Road 847) and Commons Court. Both projects must be approved by the corresponding city legislature and railroad company and constructed according to DOT's recommendations.

§ 17 — *Wayside Horns*

The act allows for a wayside horn (a stationary horn located at an at-grade railroad crossing) to be used at an at-grade crossing instead of a horn attached to a train, provided that the crossing is equipped with an active warning system that includes flashing lights and gates. Prior law required a train conductor to sound a horn 80 rods (1,320 feet) prior to reaching an at-grade crossing. Any wayside horn used in lieu of a horn attached to a train must (1) conform to federal requirements for wayside horn use and (2) sound at a minimum of 29 seconds before the train's arrival at an at-grade crossing and occasionally after the train has crossed the highway. Entities installing wayside horns must also comply with federal requirements for written notice.

§§ 12-14 — BREWERY, WINERY, AND AGRICULTURAL HIGHWAY SIGNS

The act allows signs bearing directions to farms and facilities related to agricultural tourism, Connecticut-made wine, and Connecticut-made beer to be erected and maintained within 300 feet of state highways with the approval of the DOT commissioner. Such signs may provide directions and other notices to: (1) farms that are part of the state's agricultural tourism; (2) facilities where Connecticut-made beer is manufactured or sold, including references to the "Connecticut Brewery Trail"; and (3) a farm located within 10 miles of a state-maintained limited access highway where Connecticut-made wine is manufactured or sold, including references to the "Connecticut Wine Trail." Under prior law, brewery-related signs were permitted within 650 feet of interstates and limited access highways only, but signs related to wineries or farms were not permitted.

The act also makes a conforming change to continue to allow directional signs erected within 300 feet of state highways pertaining to facilities where Connecticut-made beer is manufactured or sold to be paid for by private individuals or entities affiliated with Connecticut-made beer manufacturers or sellers.

§ 15 — VEHICLE USE OF WILBUR CROSS PARKWAY AND MERRITT PARKWAY

By law, certain commercial vehicles (i.e., taxis, vanpool vehicles, and service and school buses) driving on the Wilbur Cross or Merritt parkways are exempt from provisions that restrict the use of commercial vehicles on parkways. This act adds service buses for students with special needs to the list of exempted vehicles, provided the buses are no larger than 120 inches high, 90 inches wide, and 280 inches long. It also increases the weight limit, which presumably applies to service and school buses, of commercial vehicles permitted to drive these parkways from 9,600 to 10,000 pounds.

§ 20 — DESIGNATION OF SAYBROOK ROAD IN MIDDLETOWN AS A MINOR ARTERIAL

The act requires DOT to classify the southern section of Saybrook Road in Middletown, between Randolph Road and Aircraft Road/Route 9 ramps, as an urban minor arterial in their functional roadway classification system. Among other things, a roadway's functional classification determines its design, speed limit, and capacity and is often used for determining eligibility for federal funding.

BACKGROUND

Occupational Licensing System

State law establishes a licensing system for several trades overseen by the Electrical Work; Heating, Piping, and Cooling Work; Plumbing and Piping Work; Elevator Installation, Repair, and Maintenance Work; Automotive Glass Work and Flat Glass Work; and Fire Protection Sprinkler Systems boards. The boards are within the Department of Consumer Protection. They have the power to determine who qualifies for a license and to enforce standards by disciplining licensees. The boards may create limited licenses authorizing their holders to work in a specific area of a trade that have less extensive requirements. Each trade has different levels of expertise—apprentice, journeyman, and contractor. Workers must meet education, training, and experience requirements to qualify for each level. The law establishes DCP's duties in relation to the boards, including receiving complaints, carrying out investigations, and performing administrative tasks, such as physically issuing licenses and renewals.

Connecticut Aerospace Reinvestment Act

PA 14-2 allows large manufacturers, such as United Technologies Corporation (UTC), proposing industrial reinvestment projects to be compensated for unused research and development tax credits. In connection with this act, UTC plans to construct a new Pratt and Whitney headquarters and engineering building and expand its research center at its East Hartford location.

Mobile Applications for Taxi and Livery Service

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Mobile applications for taxi and livery service, such as “Uber” and “Lyft,” connect people looking for taxi or livery service to drivers. In general, a user selects a pickup location through the application on his or her phone, a driver receives and responds to the request, and the user pays through the application. Although Uber acts as a dispatch service for licensed taxi and livery drivers in major cities, a large part of its business, and Lyft’s as well, consists of connecting individuals looking for rides to company-approved local residents who are willing to drive people in their personal vehicles for a suggested donation. Uber and Lyft began operating in Connecticut in April 2014.

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